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TO: **Income Maintenance Supervisors**
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Income Maintenance Staff
W-2 Agencies
Training Staff
Child Care Coordinators

FROM: Kath McGurk, Director
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Division of Early Care and Education
Department of Children and Families

DECE/BELP OPERATIONS MEMO

No: 15-13

DATE: 04/03/2015

FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
BC+ Basic	<input type="checkbox"/>	BC+ CORE	<input type="checkbox"/>		
CC	<input checked="" type="checkbox"/>	W-2	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/>
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SUBJECT: Child Support Cooperation Requirements for Child Care

CROSS REFERENCE: Wisconsin Statutes s. 49.145(2)(f), Wisconsin Administrative Code DCF 102, Child Care Policy, Section 1.4.7

EFFECTIVE DATE: March 23, 2015

PURPOSE: This memo describes the child support cooperation requirements for Wisconsin Shares child care applicants and participants and outlines procedures for handling non-cooperation determinations made by the Child Support Agency (CSA) and good cause claims determined by the local child care agency. This memo also introduces new enhancements to CARES Worker Web (CWW) that support this policy.

BACKGROUND: The child support cooperation requirement for the Wisconsin Shares Child Care program is found in Wisconsin Statutes s. 49.145(2)(f). These requirements and procedures are further defined in the Wisconsin Administrative Code DCF 102.

POLICY:**Cooperation with the Child Support Agency**

As a condition of eligibility, each parent in the child care assistance group must cooperate with the CSA for all of his or her minor children over the age of sixty (60) days, unless a good cause exception has been granted for a particular child.

Failure to Cooperate with the Child Support Agency

The CSA determines child support cooperation for all individuals. The CSA will notify the Wisconsin Shares administrative agency and the applicable parent if they have determined that the parent is not cooperating, along with their justification for the decision.

Within seven (7) calendar days of the receipt of the notice of non-cooperation from the CSA, the local Child Care agency is required to send a Notice of Action Needed (also known as the Verification Checklist) to the individual informing him or her of the child support non-cooperation determination and informing the individual that he or she has seven (7) business days from the issuance date on the Notice of Action Needed to cooperate with CSA or file a good cause claim. The Notice of Action Needed will include a link to the electronic format of the Good Cause Claim form (DCF-F-DWSP2019).

If, on the eighth (8th) business day, the individual is still not cooperating with the CSA and has not filed a claim for good cause with the local agency, an instance of non-cooperation is recorded and the entire child care assistance group is not eligible for a Wisconsin Shares child care subsidy until cooperation with the CSA occurs or until the individual files a good cause claim.

If an individual fails three (3) or more times to meet the child support cooperation requirements without good cause, the child care assistance group is not eligible for child care assistance for a period of at least six (6) months and until all of the members of the child care assistance group cooperate with the CSA.

CWW has been enhanced to allow the Child Care agency to track instances of non-cooperation; this is further described later in this memo.

Exemptions to Cooperating with the Child Support Agency

Parents with a child that is younger than sixty (60) days and parents with unborn children are exempt from cooperating with the CSA for that child. Foster parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive a kinship care payment are also exempt from the child support cooperation requirements for the children placed in their care.

Good Cause Notice

A Good Cause Notice (DCF-F-DWSP2018) must be provided to all Wisconsin Shares applicants and participants at the following times:

- At application for child care assistance;
- When a child is added to the child care assistance group;
- When a parent leaves the child care assistance group;
- At the annual eligibility review for child care assistance; and
- When a participant discloses to his or her eligibility or authorization worker circumstances that may meet the good cause criteria.

The Good Cause Notice describes the requirement to cooperate with child support, the right to claim good cause as an exception to the cooperation requirement, and the criteria for good cause.

Good Cause Criteria

The criteria for good cause are as follows:

- Cooperation is reasonably anticipated to result in either physical or emotional harm to the child, including threats of domestic abuse or child kidnapping;
- Cooperation is reasonably anticipated to result in either physical or emotional harm to the parent, including domestic abuse;
- Cooperating with the CSA would make it more difficult for the individual to escape domestic abuse or unfairly penalize the individual who is or has been victimized by such abuse, or the individual who is at risk of further domestic abuse;
- The child was conceived as a result of incest or sexual assault;
- The parent is considering whether to terminate parental rights and has sought the assistance of a licensed private social services agency not more than three months ago; or
- A petition for the adoption of the child has been filed with a court, except this does not apply as a good cause exemption from the responsibility to make payments under an existing court order.

Good Cause Claim

Good cause claims for not cooperating with the CSA for child care cases are determined by the county and tribal agencies that administer the Wisconsin Shares Child Care Subsidy program.

The local county or tribal agency that administers the Wisconsin Shares program shall provide a Good Cause Claim form (DCF-F-DWSP2019) to any applicant or participant upon request. The Good Cause Claim form describes the good cause criteria and the documentation that will be needed to support a good cause claim.

The form must be returned to the agency within seven (7) business days from the issuance date of the Notice of Action Needed when the applicant or participant has requested the form during a period of non-cooperation with the CSA. When completing the Good Cause Claim form, the applicant or participant must specify the circumstances that meet the good cause criteria for not cooperating.

Upon receipt of the Good Cause Claim form, the local agency must notify the CSA within two (2) days (through an automated process) that no further child support action may be taken until the local agency determines whether good cause exists.

If an individual is cooperating with the local agency in furnishing evidence and information to be used in determining the good cause claim and other eligibility criteria are met, child care benefits shall not be denied, delayed, reduced, or discontinued pending the determination of the good cause claim.

Good Cause Claim Documentation and Supporting Evidence

The local agency shall require the individual to submit at least one document or corroborative evidence and a statement specifying the circumstances that the applicant or participant believes provide sufficient good cause for not cooperating. The applicant or participant must submit supporting evidence to the local agency within twenty (20) days from the date the Good Cause Claim form was signed. The local agency must encourage the applicant or participant to

submit as many types of supporting evidence as possible, and must inform the individual that if assistance is needed in obtaining evidence, the worker will assist him or her. The worker must make every reasonable effort to obtain specific documents or information that the individual is having difficulty obtaining.

If an applicant or participant does not submit sufficient evidence to substantiate the good cause claim, the local agency shall notify the individual that additional evidence is required and shall outline the types of evidence that may be used.

The good cause claim may be supported with any of the following types of documents:

- Court, medical, criminal, child protective services, social services, psychological, school, or law enforcement records regarding domestic abuse or physical or emotional harm to the parent or child;
- Medical records or written statements from a mental health professional that pertain to the emotional health history, present emotional health status, or prognosis of the parent or child;
- Birth certificates, medical records, or law enforcement records that indicate that the child may have been conceived as a result of incest or sexual assault;
- Court documents or other records that indicate that a petition for the adoption of the child has been filed with a court;
- A written statement from a public or private social services agency that the parent is being assisted by the agency in deciding whether to terminate parental rights;
- Written and signed statements from others with knowledge of the circumstances on which the good cause claim is based, including, but not limited to, statements from neighbors, friends, family or clergy;
- Any other supporting or corroborative evidence.

Good Cause Claim Investigation

The applicant or participant must cooperate with the investigation by the local agency.

The local agency must investigate any good cause claim based on anticipated harm, even when the claim is credible without corroborative evidence and when the agency knows corroborative evidence is not available. Good cause must be found when the individual's statement and the agency's investigation satisfy the agency that good cause exists.

The local agency may investigate any other good cause claim when the individual's statement and the corroborative evidence do not provide sufficient information to make a determination. The individual must cooperate with the investigation by the agency.

The local agency may contact the child support agency during any good cause claim investigation. The agency is not allowed to contact the individual alleged to have committed acts that are the basis of a good cause claim.

Good Cause Determination

The local agency must determine if good cause exists within forty-five (45) calendar days of the date the Good Cause Claim form was signed unless an extension has been granted because more time is necessary to obtain evidence. The worker may, with supervisory approval, determine that more time is needed due to difficulty in obtaining corroborative evidence. If the good cause claim is based on domestic abuse, and no corroborative evidence is currently available, the local agency may permit the applicant or participant to submit evidence to the local agency within sixty (60) days from the date the Good Cause Claim form was signed. If the

local agency grants up to sixty (60) calendar days to submit evidence for a claim of domestic abuse, the agency shall determine if good cause exists within eighty-five (85) calendar days from the date the Good Cause Claim form was signed.

The CSA must be given the opportunity to review and comment on the findings of the local agency prior to the final determination on good cause by the agency. The agency must consider any recommendations from the CSA.

Determination that Good Cause Does Not Exist

If the local agency determines that the individual does not have good cause for failing to cooperate with child support, the local agency must promptly notify the individual of the determination and the right to a fair hearing based on the agency's decision. The individual then has ten (10) calendar days from the date of the notice that good cause does not exist to withdraw the child care application, request the child care case be closed, or request a fair hearing of the agency decision before the CSA proceeds with child support services.

After the individual has had ten (10) calendar days and if the individual did not request a fair hearing of the agency decision, the agency must notify the CSA that it may proceed with child support services and require the cooperation of the individual.

If the individual requests a fair hearing based on the local agency's decision, the agency shall instruct the CSA to suspend child support services during the fair hearing process.

Determination that Good Cause Exists

If the local agency determines that the individual does have good cause for failing to cooperate with the CSA, the agency must promptly notify the individual of the determination and the basis for the determination in writing.

The agency must also either:

1. Direct the CSA to suspend all further case activities if the individual did not request that the CSA proceed without his or her cooperation; or
2. Notify the CSA that it may proceed with child support services if the individual requested that the CSA proceed without his or her cooperation.

Fair Hearing Request

An individual whose good cause claim was denied or who disputes a decision by the local agency may petition the local agency for a fair hearing.

The CSA must be given reasonable notice and may participate in any fair hearing resulting from a good cause investigation or good cause determination.

In the event that a W-2 fact-finding review and a fair hearing are based on the same issues and facts, the fair hearing decision takes precedence over the fact-finding.

On-Going Agency Review of Good Cause Determinations

The local agency must review good cause determinations that are based on circumstances subject to change at each review of eligibility or upon new evidence. Good cause determinations based on permanent circumstances do not need to be reviewed again. If the local agency determines that good cause for failing to cooperate with the CSA no longer exists, the individual must be allowed ten (10) calendar days before cooperation requirements are imposed to request that the child care case be closed or request a fair hearing.

COORDINATION WITH THE W-2 AGENCY

A notice of failure to cooperate with the CSA for either W-2 or the Wisconsin Shares Child Care Subsidy program counts as one (1) instance of non-cooperation for both programs together. If an individual is not cooperating with the CSA and is ineligible for W-2, then the individual is also ineligible for the Wisconsin Shares Child Care Subsidy program until the individual cooperates with the CSA or files a good cause claim. If an individual is under a six (6) month sanction period for W-2, then that individual is not eligible for a Wisconsin Shares child care subsidy until the individual cooperates with the CSA or the sanction period has passed, whichever is later.

If a case is open for both W-2 and Child Care, the W-2 agency will determine whether good cause exists.

SYSTEM ENHANCEMENTS

CARES/KIDS Interface and Alerts

The primary worker on the case will continue to receive an email notice when the spouse or non-marital co-parent is not cooperating with the CSA. The eligibility worker must notify the CC help desk at childcare@wisconsin.gov to change the child support cooperation field to NO for these situations, as this is not automated.

When the CSA determines that the Primary Person (PP) is not cooperating, the CSA worker will enter this information into Kids Information Data System (KIDS). This information is sent to CWW through a nightly batch process. The nightly batch process will generate alert 092 and will auto-populate the *Child Support Cooperation* field on the *Absent Parent* page in CWW to NO. When the CSA determines that the PP is cooperating and the CSA worker updates KIDS, the overnight batch process will generate alert 326, and the *Child Support Cooperation* field on the *Absent Parent* page in CWW will auto-populate to YES. This field will no longer be updateable by agency staff.

Alert Text Changes

Text for alerts 092 and 326 will be updated as follows:

- Current 092 text - NON-COOPERATION INFO. SEE IVDI
- New 092 text – CS NONCOOP SEE ABSNT PRNT PAGE
- Current 326 text - NCOP ENDED, SEE IVDE, RUN SFED
- New 326 text - CS NONCOOP ENDED RUN ELGBLTY

CWW Changes

The *Absent Parent* page will be enhanced to allow a case to pend after running eligibility and to allow the worker to generate a Notice of Action Needed when an individual is not cooperating with the CSA and has not provided a good cause reason for not cooperating. Additionally, a new page will be added to CWW so that workers can track instances of child support non-cooperation.

Absent Parent Page

When Child Care and W-2 are both open on a case, the fields below the *Child Support Cooperation* field will be protected so that only the Financial and Employment Planner (FEP) can make entries. When the case is not open for W-2, the Income Maintenance (IM) worker must complete these entries. In addition, when both programs are open on a case, the FEP must update the *Child Support Information* section of the *Absent Parent* page.

When W-2 is not on a case, the IM worker must update the *Child Support Information* section of the *Absent Parent* page. The *Child Support Information* section of the *Absent Parent* page will be enhanced as shown below:

FIELD NAME	CHANGE
Cooperation	<p>The system will auto-populate this field with the corresponding value of NO for alert 092 and YES for alert 326 at the same time the system generates these alerts.</p> <p>This field will be protected and workers will no longer be able to make entries. The child care help desk, W-2 help desk, and the DHS CARES Call Center staff are able to update this field.</p> <p>When a new Absent Parent page is added, this field will default to YES.</p>
Non-cooperation Instance Count	This is a new field effective March 23, 2015 and will auto-populate based on the non-cooperation instance count on the Child Support Non-Cooperation Instance Tracking page.
Good Cause Claimed	<p>A “?” has been added to the drop-down menu, to allow the case to pend upon running eligibility and generate a Notice of Action Needed. The system will auto-populate this field with a “?” when alert 092 has been generated. The worker will need to pend the case and generate the Notice of Action Needed by running eligibility.</p> <p>Individuals are permitted to claim good cause even if they are cooperating with the CSA. Therefore, workers will be allowed to indicate that good cause has been claimed when the <i>Child Support Cooperation</i> field is YES. Currently, CWW will not allow the <i>Good Cause Claimed</i> field to be YES when the <i>Child Support Cooperation</i> field is YES.</p>
Good Cause Reason	<p>The four existing drop-down values relating to potential physical or emotional harm to parent or child have been consolidated into the following single reason: PP – PHYS. OR EMOTIONAL HARM TO PARENT OR CHILD, INCLDNG DV.</p> <p>The IE – INSUFFICIENT EVIDENCE and NG – NOT GRANTED drop-down value has been deleted.</p>
Good Cause Claim Date	No changes.
Good Cause Granted	The field will be renamed Good Cause Approved.
Good Cause Result	The existing drop-down value P – PURSUE OR PROCEED WITH CHILD SUPPORT AND MEDICAL SUPPORT will be changed to P – PROCEED WITH CHILD SUPPORT OR MEDICAL SUPPORT.

A new non-cooperation count indicator will be added to the *Child Support Information* section of the *Absent Parent* page, displaying the custodial parent’s current number of instances of child support non-cooperation.

The system will update the *Begin Month* field of the *Caretaker Relative Cooperation Information* section at the same time that the *Cooperation* field is auto-populated.

Caretaker Relative Cooperation Information	
Effective Period	
* Begin Month:	11 / 2014 Last Updated: 11/12/2014
Caretaker Relative	
* Individual:	MOTHER ONE 26F PP
Child Support Information	
* Cooperation:	Yes Non-Cooperation Instance Count: 0
Good Cause Claimed:	
Good Cause Claim Date:	MM / DD / YYYY
Good Cause Approved:	
Good Cause Reason:	
Good Cause Result:	
Medical Support Liability Information	
* Cooperation:	
* Good Cause Claimed:	
* Good Cause Claim Date:	MM / DD / YYYY
* Good Cause Granted:	
* Good Cause Reason:	
* Good Cause Result:	

Notice of Action Needed

When an 092 alert is received from the CSA, a “?” is auto-populated in the good cause claimed field in CWW. CWW will then generate a Notice of Action Needed when the worker runs eligibility. In a W-2 only case or a case with both CC and W-2, the notice will instruct the recipient to submit the Good Cause Claim form to the FEP or cooperate with the CSA within seven (7) business days from the issuance date on the Notice of Action Needed. In a case with no W-2, the notice will instruct the recipient to submit the Good Cause Claim form to the IM worker or cooperate with the CSA within seven (7) business days from the issuance date on the Notice of Action Needed.

Instance Tracking Page

A new page will be added to CWW, allowing workers to track instances of child support non-cooperation. Tracking will be PIN-based and instances will follow individuals who move to other cases.

After confirming a closure for reason 211 (You have failed to cooperate with child support), the worker will manually navigate to the *Child Support Non-Cooperation Instance Tracking* page from the *Individual Non Financial* tab on the *Navigation Menu* and enter the following child support non-cooperation details:

1. The name of the individual who is not cooperating with the CSA
2. The non-cooperation instance effective date will be the first of the month following the eligibility run date. If a worker is running eligibility after adverse action (ACT) CWW will not allow the child care assistance group to close in the immediately consecutive calendar month, the eligibility worker must inform the authorization worker that the authorization must end at the end of the current month, and
3. The sanction begin date if the child support non-cooperation instance is three or greater. This field will only be enabled if the individual has three or more instances of child support non-cooperation. The sanction begin date must match the instance effective date. In Phase II of this Child Support Enhancements Project, the six (6) month sanction end date will be calculated by the system based on the sanction begin date.

Each time a new instance of child support non-cooperation is saved the *Non-Cooperation Instance* field on the *Absent Parent* page will be auto-populated by the system and will increase incrementally. Upon revisiting the *Child Support Non-Cooperation Instance Tracking* page, the user will see the most recent instance count for the individual's child support non-cooperation.

The first and second instances of child care closure for child support non-cooperation end when the parent is in compliance with the child support cooperation requirements. The third and consecutive instances of child care closure for child support non-cooperation end after a sanction period of 6 (six) months and the parent is in compliance with the child support cooperation requirements.

Page Security

Once a worker has completed the *Child Support Non-Cooperation Instance Tracking* page and saved the entries by either pressing Enter or clicking Update, the entries will be protected. Only the DHS Call Center, Child Care Help Desk, or W-2 Help Desk staff can:

- Delete an instance of non-cooperation;
- Update the instance effective date; and
- Update the sanction begin date.

Conversion

At conversion, all W-2 and Child Care participants will start with an instance count for child support non-cooperation of zero. No prior non-cooperation instances will be carried over. Additionally, agencies must not impose six (6) month sanctions based on child support non-cooperation closures that occur prior to March 23, 2015.

Automation of Non-Cooperation Instance Count and Sanction Period

Phase II of this Child Support Enhancements Project is planned to fully automate this page by June 2015 and will be described in a future operations memo. The enhancements will include having the system auto-populate all the fields on the *Child Support Non-Cooperation Instance Tracking* page and having the system automatically track the six (6) month sanction period.

WebI Report

To help agencies track timely approval of good cause claims, a new WebI report will be available. The report will allow agencies to monitor cases with individuals who have good cause claimed, but not approved.

CSAW Current Functionality

Currently, if a worker runs eligibility before ACT CWW will automatically end the child care assistance group at the end of the current month and CSAW will automatically end the authorization at the end of the current month. However, if eligibility is run after ACT, CWW will not end child care eligibility and the child care authorization will not end at the end of the current month.

FUTURE SYSTEM ENHANCEMENTS

Beginning in June of 2015, CSAW will be enhanced to prevent a worker from writing a child care authorization for an individual who is in a closure period of non-cooperation with child support. In addition, CSAW will be enhanced to automatically end child care authorizations on the Saturday following the first of the month when a Wisconsin Shares participant has been found to be in non-cooperation with the CSA.

The current Notice of Child Care Eligibility will be enhanced to correctly inform the Wisconsin Shares participant that his or her child care eligibility for an authorization is ending at the end of the current month.

When a child support sanction is applied on a child care case on or after March 23, 2015 and before future enhancements are completed in June of 2015, workers must contact the child care help desk at childcare@wisconsin.gov for assistance to ensure that eligibility and the child care authorization are ended correctly.

CONTACTS:

For Wisconsin Shares Child Care policy questions outside of Milwaukee County contact your Bureau of Regional Operations (BRO), Child Care Coordinators at http://dcf.wisconsin.gov/regional_operations/pdf/contact_list.pdf

For Child Care CARES/CWW, CSAW and CCPI Processing Questions statewide and policy questions in Milwaukee County contact the Child Care Help desk at: childcare@wisconsin.gov or (608) 264-1657.

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, BC+ Core – BadgerCare Plus Core, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

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